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Off-White LLC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OFF-WHITE LLC,

Plaintiff

v.

ANOGAR-32, ARYYUD0,
BCSE_PHONE_ACCESSORIES,
BINTANRAHARJ_0, BORTOLO_DOMINGO,
BROSHOPPING, BUDIAWASALI_0,
CHUANGSHOU-STORE, DANYANG6,
DENGXIAOBIN1857, DIMAPRAYOG_83,
EVITA.ESKELA, FANGGE06302, FUNTHINK,
GIFTSFROMPORTO, HASBER-13,
HENRYLUCKMORGAN, HUOJIN4, ILISO07,
ITAPAR_51, JANECH-87, JASET-3745,
JCONEJITA19851, KEANU._1, KELAL-11,
LAUJOHN_16, LIGHTYNIGHT,
LIZA.MARCHETTI, MILLIE-665,
NIALL_MALIK, PR-MARKETING9305,
RUSAN7376, SG8450048-3, SPENCER1870,
STYLEYOURLIFE1, SUMAK-75, TOMMY95118,

Civil Case No.: 20-cv-7892 (LTS)

1) TEMPORARY RESTRAINING ORDER; 2) ORDER RESTRAINING MERCHANT STOREFRONTS AND DEFENDANTS' ASSETS WITH THE FINANCIAL INSTITUTIONS; 3) ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE; 4) ORDER AUTHORIZING BIFURCATED AND ALTERNATIVE SERVICE; AND 5) ORDER AUTHORIZING EXPEDITED DISCOVERY












FILED UNDER SEAL

TOPSHOPPING-18, TY-2324, VACAH_96,
XELZ88436, XINCHENGXIONGDI0727,
YAUNER88, ZCLA63802 and ZHANGYONG1991,

Defendants

GLOSSARY

Term	Definition
Plaintiff or Off-White	Off-White LLC
Defendants	anogar-32, aryyud0, bcse_phone_accessories, bintanraharj_0, bortolo_domingo, broshopping, budiawasali_0, chuangshou-store, danyang6, dengxiaobin1857, dimaprayog_83, evita.eskela, fangge06302, funthink, giftsfromporto, hasber-13, henryluckmorgan, huojin4, iliso07, itapar_51, janeche-87, jaset-3745, jconejita19851, keanu_1, kelal-11, laujohn_16, lightynight, liza.marchetti, millie-665, niall_malik, pr-marketing9305, rusan7376, sg8450048-3, spencer1870, styleyourlife1, sumak-75, tommy95118, topshopping-18, ty-2324, vacah_96, xelz88436, xinchengxiongdi0727, yauner88, zcla63802 and zhangyong1991
eBay	eBay.com, a San Jose, California-based online marketplace and e-commerce platform owned by eBay Inc., a Delaware corporation, that allows manufacturers and other third-party merchants, like Defendants, to advertise, distribute, offer for sale and/or sell in what it characterizes as either auction-style or fixed-price formats and ship their retail products, which, upon information and belief, originate from China, among other locations, directly to consumers worldwide and specifically to consumers residing in the U.S., including in New York
Epstein Drangel	Epstein Drangel LLP, counsel for Plaintiff
New York Address	244 Madison Ave, Suite 411, New York, NY 10016
Complaint	Plaintiff's Complaint filed on September 24, 2020
Application	Plaintiff's <i>Ex Parte</i> Application for: 1) a temporary restraining order; 2) an order restraining Merchant Storefronts (as defined <i>infra</i>) and Defendants' Assets (as defined <i>infra</i>) with the Financial Institutions (as defined <i>infra</i>); 3) an order to show cause why a preliminary injunction should not issue; 4) an order authorizing bifurcated and alternative service and 5) an order authorizing expedited discovery filed on September 24, 2020
Abloh Dec.	Declaration of Virgil Abloh in Support of Plaintiff's Application
Yamali Dec.	Declaration of Danielle S. Yamali in Support of Plaintiff's Application
Off-White Products	A high-end line of men's and women's apparel, as well as shoes, accessories, jewelry, and other ready-made goods, marketed under the Off-White Brand (defined

	<i>infra</i>)
Off-White Brand	The trademarks, Off-White™ and Off- White c/o Virgil Abloh™, used to market the Off-White Products
Off-White Registrations	<p>U.S. Trademark Registration Nos.: 5,119,602 for “OFF WHITE” for a variety of goods in Class 25 with a constructive date of first use of January 25, 2012, 5,713,397 for “OFF-WHITE” for a variety of goods in Class 25, 5,710,328 for “OFF-WHITE C/O VIRGIL ABLOH” for a variety of goods in Class 9, 5,572,836 for “OFF-WHITE C/O VIRGIL ABLOH” for a variety of goods in Class 25, 5, 710,287 for “OFF-WHITE C/O VIRGIL ABLOH” for a variety of goods in Class 14,</p> <p>5,150,712 for  for a variety of goods in Class 18 and 25, 5, 710,288 for  for a variety of goods in Class 14, 5,307,806 for  for a variety of goods in Class 18 and 25, 5,835,552 for  for a variety of goods in Class 9, 5,387,983 for  for a variety of goods in Class 25, 5,445,222 for  for a variety of goods in Class 25, 5,800,414 for  for a variety of goods in Class 9 and 25, 5,681,805 for  for a variety of goods in Class 9 and 5,663,133 for  for a variety of goods in Class 25</p>
Off-White Applications	<p>U.S. Trademark Serial Application Nos.: 88/080,002 for , for a variety of goods in Class 25 and 88/041,456  for a variety of goods in Class 18 and Class 25</p>
Off-White Marks	The marks covered by the Off-White Registrations and the Off-White Applications
Counterfeit Products	Products bearing or used in connection with the Off-

	White Marks, and/or products in packaging and/or containing labels bearing the Off-White Marks, and/or bearing or used in connection with marks that are confusingly similar to the Off-White Marks and/or products that are identical or confusingly similar to the Off-White Products
Infringing Listings	Defendants' listings for Counterfeit Products
User Accounts	Any and all websites and any and all accounts with online marketplace platforms such as eBay, as well as any and all as yet undiscovered accounts with additional online marketplace platforms held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them
Merchant Storefronts	Any and all User Accounts through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them operate storefronts to manufacture, import, export, advertise, market, promote, distribute, display, offer for sale, sell and/or otherwise deal in Counterfeit Products, which are held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them
Defendants' Assets	Any and all money, securities or other property or assets of Defendants (whether said assets are located in the U.S. or abroad)
Defendants' Financial Accounts	Any and all financial accounts associated with or utilized by any Defendants or any Defendants' User Accounts or Merchant Storefront(s) (whether said account is located in the U.S. or abroad)
Financial Institutions	Any banks, financial institutions, credit card companies and payment processing agencies, such as PayPal Inc. ("PayPal"), Payoneer Inc. ("Payoneer"), PingPong Global Solutions, Inc. ("PingPong") and other companies or agencies that engage in the processing or transfer of money and/or real or personal property of Defendants
Third Party Service Providers	Online marketplace platforms, including, without limitation, those owned and operated, directly or indirectly by eBay, as well as any and all as yet undiscovered online marketplace platforms and/or entities through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them manufacture, import, export, advertise, market, promote, distribute, offer for sale, sell and/or otherwise deal in Counterfeit Products which are hereinafter identified as a result of any order entered in this action, or otherwise

On this day, the Court considered Plaintiff's *ex parte* application for the following: 1) a temporary restraining order; 2) an order restraining Merchant Storefronts and Defendants' Assets with the Financial Institutions; 3) an order to show cause why a preliminary injunction should not issue; 4) an order authorizing bifurcated and alternative service and 5) an order authorizing expedited discovery against Defendants, Third Party Service Providers and Financial Institutions in light of Defendants' intentional and willful offerings for sale and/or sales of Counterfeit Products.¹ A complete list of Defendants is attached hereto as **Schedule A**, which also includes links to Defendants' Merchant Storefronts and Infringing Listings. Having reviewed the Application, Declarations of Virgil Abloh and Danielle S. Yamali, along with exhibits attached thereto and other evidence submitted in support thereof, the Court makes the following findings of fact and conclusions of law:

FACTUAL FINDINGS & CONCLUSIONS OF LAW



1. Off-White, launched in or about 2013, is the owner of the Off-White Products, which are distributed through various channels of trade in the United States and abroad.
2. The Off-White Products are marketed under the Off-White Marks.
3. The Off-White Products are sold at luxury retailers, such as Selfridges and Bergdorf Goodman, as well as Off-White's boutiques located in prominent fashion epicenters, including, without limitation, London, Tokyo, Hong Kong, Seoul, Beijing, Shanghai, Toronto, Shenyang, Xian, Dubai, Bangkok, Busan, Macau, Manila, Mykonos, Tianjin, Paris, Vancouver, Kuala Lumpur, Sydney, Taipei, Melbourne, Manchester, Singapore and New York City.
4. Since the launch of Off-White approximately seven (7) years ago, the Off-White Brand and Off-White Products have been featured in numerous press publications, including, but not



¹ Where a defined term is referenced herein and not defined herein, the defined term should be understood as it is defined in the Glossary.

limited to, *New York Magazine*, *GQ*, *W Magazine*, *Vogue* and *Business of Fashion*, among others. Recently, *Lyst* named Off-White as the “hottest fashion brand in the World.”



5. While Plaintiff has gained significant common law trademark and other rights in its Off-White Products and Off-White Marks through its use, advertising and promotion, Plaintiff has also protected its valuable rights by filing for and obtaining federal trademark registrations.



6. For example, Off-White owns the following U.S. Trademark Registration Nos.: 5,119,602 for “OFF WHITE” for a variety of goods in Class 25; 5,713,397 for “OFF-WHITE” for a variety of goods in Class 25; 5,710,328 for “OFF-WHITE C/O VIRGIL ABLOH” for a variety of goods in Class 9; 5,572,836 for “OFF-WHITE C/O VIRGIL ABLOH” for a variety of goods in Class 25; 5,710,287 for “OFF-WHITE C/O VIRGIL ABLOH” for a variety of goods in Class 14; 5,150,712



for  for a variety of goods in Class 18 and 25; 5,710,288 for  for a variety of goods in

Class 14; 5,307,806 for  for a variety of goods in Class 18 and 25; 5,835,552 for  for a

variety of goods in Class 9; 5,387,983 for  for a variety of goods in Class 25; 5,445,222 for

 for a variety of goods in Class 25; 5,800,414 for  for a variety of goods in Class 9 and

25; 5,681,805 for  for a variety of goods in Class 9; and 5,663,133 for  for a variety of goods in Class 25. Off-White also owns the following U.S. Trademark Serial Application Nos.:

88/080,002 for  for a variety of goods in Class 25; and 88/041,456 for  for a variety of goods in Class 18 and Class 25.

7. Defendants are manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale or Counterfeit Products through Defendants' User Accounts and Merchant Storefronts with eBay (*see Schedule A* for links to Defendants' Merchant Storefronts and Infringing Listings);

8. eBay is an online marketplace and e-commerce platform, which allows manufacturers and other third-party merchants, like Defendants, to advertise, distribute, offer for sale, sell and ship their retail products, which, upon information and belief, primarily originate from China, directly to consumers worldwide and specifically to consumers residing in the U.S., including New York.

9. Defendants are not, nor have they ever been, authorized distributors or licensees of the Off-White Products. Neither Plaintiff, nor any of Plaintiff's authorized agents, have consented to Defendants' use of the Off-White Marks, nor has Plaintiff consented to Defendants' use of marks that are confusingly similar to, identical to and constitute a counterfeiting or infringement of the Off-White Marks;

10. Plaintiff is likely to prevail on its Lanham Act and related common law claims at trial;

11. As a result of Defendants' infringements, Plaintiff, as well as consumers, are likely to suffer immediate and irreparable losses, damages and injuries before Defendants can be heard in opposition, unless Plaintiff's Application for *ex parte* relief is granted:

- a. Defendants have offered for sale and sold substandard Counterfeit Products that infringe the Off-White Marks;
- b. Plaintiff has well-founded fears that more Counterfeit Products will appear in the marketplace; that consumers may be misled, confused and disappointed by the quality of these Counterfeit Products, resulting in injury to Plaintiff's reputation and goodwill; and that Plaintiff may suffer loss of sales for its Off-White Products; and

- c. Plaintiff has well-founded fears that if it proceeds on notice to Defendants on this Application, Defendants will: (i) secret, conceal, destroy, alter, sell-off, transfer or otherwise dispose of or deal with Counterfeit Products or other goods that infringe the Off-White Marks, the means of obtaining or manufacturing such Counterfeit Products, and records relating thereto that are in their possession or under their control, (ii) inform their suppliers and others of Plaintiff's claims with the result being that those suppliers and others may also secret, conceal, sell-off or otherwise dispose of Counterfeit Products or other goods infringing the Off-White Marks, the means of obtaining or manufacturing such Counterfeit Products, and records relating thereto that are in their possession or under their control, (iii) secret, conceal, transfer or otherwise dispose of their ill-gotten proceeds from its sales of Counterfeit Products or other goods infringing the Off-White Marks and records relating thereto that are in their possession or under their control and/or (iv) open new User Accounts and Merchant Storefront under new or different names and continue to offer for sale and sell Counterfeit Products with little to no consequence;

12. The balance of potential harm to Defendants of being prevented from continuing to profit from their illegal and infringing activities if a temporary restraining order is issued is far outweighed by the potential harm to Plaintiff, its business, the goodwill and reputation built up in and associated with the Off-White Marks and to its reputations if a temporary restraining order is not issued;

13. Public interest favors issuance of the temporary restraining order in order to protect Plaintiff's interests in and to its Off-White Marks, and to protect the public from being deceived and defrauded by Defendants' passing off of their substandard Counterfeit Products as Off-White Products;

14. Plaintiff has not publicized its request for a temporary restraining order in any way;

15. Service on Defendants via electronic means is reasonably calculated to result in proper notice to Defendants.

16. If Defendants are given notice of the Application, they are likely to secret, conceal, transfer or otherwise dispose of their ill-gotten proceeds from their sales of Counterfeit Products or other goods infringing the Off-White Marks. Therefore, good cause exists for granting Plaintiff's request for an asset restraining order. It typically takes the Financial Institutions a minimum of five (5) days after service of the Order to locate and freeze Defendants' Assets and/or Defendants' Financial Accounts and it is anticipated that it will take the Third Party Service Providers a minimum of five (5) days to freeze Defendants' Merchant Storefronts. As such, the Court allows enough time for Plaintiff to serve the Financial Institutions and Third Party Service Providers with this Order, and for the Financial Institutions and Third Party Service Providers to comply with the Paragraphs I(B)(1) through I(B)(2) and I(C)(1) of this Order, respectively, before requiring service on Defendants.

17. Similarly, if Defendants are given notice of the Application, they are likely to destroy, move, hide or otherwise make inaccessible to Plaintiff the records and documents relating to Defendants' manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale and/or sale of Counterfeit Products. Therefore Plaintiff has good cause to be granted expedited discovery.

ORDER

Based on the foregoing findings of fact and conclusions of law, Plaintiff's Application is hereby **GRANTED** as follows:

I. Temporary Restraining Order

A. IT IS HEREBY ORDERED, as sufficient cause has been shown, that Defendants are hereby restrained and enjoined from engaging in any of the following acts or omissions for fourteen

(14) days from the date of this order, and for such further period as may be provided by order of the Court:

- 1) manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, selling and/or otherwise dealing in Counterfeit Products, or any other products bearing the Off-White Marks and/or marks that are confusingly similar to, identical to and constitute a counterfeiting or infringement of the Off-White Marks;
- 2) directly or indirectly infringing in any manner Plaintiff's Off-White Marks;
- 3) using any reproduction, counterfeit, copy or colorable imitation of Plaintiff's Off-White Marks to identify any goods or service not authorized by Plaintiff;
- 4) using Plaintiff's Off-White Marks and/or any other marks that are confusingly similar to the Off-White Marks on or in connection with Defendants' manufacturing, importing, exporting, advertising, marketing, promoting, distributing, offering for sale, selling and/or otherwise dealing in Counterfeit Products;
- 5) using any false designation of origin or false description, or engaging in any action which is likely to cause confusion, cause mistake and/or to deceive members of the trade and/or the public as to the affiliation, connection or association of any product manufactured, imported, exported, advertised, marketed, promoted, distributed, displayed, offered for sale or sold by Defendants with Plaintiff, and/or as to the origin, sponsorship or approval of any product manufactured, imported, exported, advertised, marketed, promoted, distributed, displayed, offered for sale or sold by Defendants and Defendants' commercial activities and Plaintiff;
- 6) secreting, concealing, destroying, altering, selling off, transferring or otherwise disposing of and/or dealing with: (i) Counterfeit Products and/or (ii) any computer files, data, business records, documents or any other records or evidence relating to their

User Accounts, Merchant Storefronts or Defendants' Assets and the manufacture, importation, exportation, advertising, marketing, promotion, distribution, display, offering for sale and/or sale of Counterfeit Products;

- 7) effecting assignments or transfers, forming new entities or associations, or creating and/or utilizing any other platform, User Account, Merchant Storefront or any other means of importation, exportation, advertising, marketing, promotion, distribution, display, offering for sale and/or sale of Counterfeit Products for the purposes of circumventing or otherwise avoiding the prohibitions set forth in this Order; and
- 8) knowingly instructing any other person or business entity to engage in any of the activities referred to in subparagraphs I(A)(1) through I(A)(7) above and I(B)(1) through I(B)(2) and I(C)(1) below.

B. IT IS HEREBY ORDERED, as sufficient cause has been shown, that the Third Party Service Providers and Financial Institutions are hereby restrained and enjoined from engaging in any of the following acts or omissions for fourteen (14) days from the date of this order, and for such further period as may be provided by order of this Court:

- 1) secreting, concealing, transferring, disposing of, withdrawing, encumbering or paying Defendants' Assets from or to Defendants' Financial Accounts until further ordered by this Court;
- 2) secreting, concealing, destroying, altering, selling off, transferring or otherwise disposing of and/or dealing with any computer files, data, business records, documents or any other records or evidence relating to Defendants' Assets and Defendants' Financial Accounts; and
- 3) knowingly instructing any person or business entity to engage in any of the activities referred to in subparagraphs I(A)(1) through I(A)(7) and I(B)(1) through I(B)(2) above and I(C)(1) below.

C. IT IS HEREBY ORDERED, as sufficient cause has been shown, that the Third Party Service Providers are hereby restrained and enjoined from engaging in any of the following acts or omissions for fourteen (14) days from the date of this order, and for such further period as may be provided by order of this Court:

- 1) within five (5) days after receipt of service of this Order, providing services to Defendants, Defendants' User Accounts and Defendants' Merchant Storefronts, including, without limitation, continued operation of Defendants' User Accounts and Merchant Storefronts; and
- 2) knowingly instructing any other person or business entity to engage in any of the activities referred to in subparagraphs I(A)(1) through I(A)(7), I(B)(1) through I(B)(2) and I(C)(1) above.

**II. Order to Show Cause Why A Preliminary Injunction
Should Not Issue And Order Of Notice**

- A. Defendants are hereby ORDERED to show cause before this Court during a telephonic proceeding on **October 30, 2020 at 3:30 p.m.** Eastern Daylight Time, or at such other time that this Court deems appropriate, why a preliminary injunction, pursuant to Fed. R. Civ. P. 65(a), should not issue. Participants may access the call by dialing (888) 363-4734, entering the access code 1527005#, and the security code 1065#.
- B. The parties shall appear for a telephonic conference on **October 13, 2020 at 4:00 p.m.** Eastern Daylight Time, at which conference the Court may entertain any application for extension of the restraining provisions of this Order. Participants may access the call by dialing (888) 363-4734, entering the access code 1527005#, and the security code 1065#.
- C. IT IS FURTHER ORDERED that opposing papers, if any, shall be filed electronically with the Court and served on Plaintiff's counsel by delivering copies thereof to the office of Epstein Drangel LLP at 60 East 42nd Street, Suite 2520, New York, NY 10165, Attn: Jason M. Drangel

on or before **October 20, 2020**. Plaintiff shall file any Reply papers on or before **October 26, 2020**.

D. IT IS FURTHER ORDERED that Defendants are hereby given notice that failure to appear at the show cause hearing scheduled in **Paragraph II(A)** above may result in the imposition of a preliminary injunction against them pursuant to Fed. R. Civ. P. 65, which may take effect immediately upon the expiration of this Order, and may extend throughout the length of the litigation under the same terms and conditions set forth in this Order.

III. Asset Restraining Order

A. IT IS FURTHER ORDERED pursuant to Fed. R. Civ. P. 64 and 65 and N.Y. C.P.L.R. 6201 and this Court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief, as sufficient cause has been shown, that within five (5) days of receipt of service of this Order, the Financial Institutions shall locate and freeze Defendants' Financial Accounts and shall provide written confirmation of such action to Plaintiff's counsel.

IV. Order Authorizing Bifurcated and Alternative Service by Electronic Means

A. IT IS FURTHER ORDERED pursuant to Fed. R. Civ. P. 4(f)(3), as sufficient cause has been shown, that service may be made on, and shall be deemed effective as to Defendants if it is completed by the following means:

- 1) delivery of: (i) PDF copies of this Order together with the Summons and Complaint, or (ii) a link to a secure website (including NutStore, a large mail link created through Rmail.com and via website publication through a specific page dedicated to this Lawsuit accessible through ipcounselorslawsuit.com) where each Defendant will be able to download PDF copies of this Order together with the Summons and Complaint, and all papers filed in support of Plaintiff's Application seeking this Order to Defendants' e-mail addresses to be determined after having been identified by eBay pursuant to **Paragraph V(C)**.

- B. IT IS FURTHER ORDERED, as sufficient cause has been shown, that such alternative service by electronic means ordered herein shall be deemed effective as to Defendants, Third Party Service Providers and Financial Institutions through the pendency of this action.
- C. IT IS FURTHER ORDERED, as sufficient cause has been shown, that such alternative service by electronic means ordered herein shall be made within five (5) days of the Financial Institutions and Third Party Service Providers' compliance with **Paragraphs III(A) and V(C)** of this Order. Plaintiff shall file proof of such service immediately upon completion.
- D. IT IS FURTHER ORDERED, as sufficient cause has been shown, that the Clerk of the Court shall issue a single original summons directed to all Defendants as listed in an attachment to the summons that will apply to all Defendants.
- E. IT IS FURTHER ORDERED, as sufficient cause has been shown, that service may be made and shall be deemed effective as to the following if it is completed by the below means:
- 1) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where PayPal Inc. will be able to download a PDF copy of this Order via electronic mail to EE Omaha Legal Specialist at EEOMALegalSpecialist@paypal.com;
 - 2) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where eBay, via eBay's Registered Agent, will be able to download a PDF copy of this Order via electronic mail at copyright@ebay.com, to Bryce Baker at brybaker@ebay.com and to Joanna Lahtinen at jlahtinen@ebay.com;
 - 3) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where Payoneer Inc. will be able to download a PDF copy of this Order via electronic mail to Payoneer Inc.'s Customer Service Management at customerservicemanager@payoneer.com and Edward Tulin, counsel for Payoneer Inc., at Edward.Tulin@skadden.com; and
 - 4) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where PingPong Global Solutions Inc. will be able to download a PDF copy of this Order via electronic mail

to Zeng Ni of PingPong Global Solutions Inc.'s Legal Department legal@pingpongx.com.

V. Order Authorizing Expedited Discovery

A. IT IS FURTHER ORDERED, as sufficient cause has been shown, that:

1) Within fourteen (14) days after receiving service of this Order, each Defendant shall serve upon Plaintiff's counsel a written report under oath providing:

- a. their true name and physical address;
- b. the name and location and URL of any and all websites that Defendants own and/or operate and the name, location, account numbers and URL for any and all User Accounts and Merchant Storefronts on any Third Party Service Provider platform that Defendants own and/or operate;
- c. the complete sales records for any and all sales of Counterfeit Products, including but not limited to number of units sold, the price per unit, total gross revenues received (in U.S. dollars) and the dates thereof;
- d. the account details for any and all of Defendants' Financial Accounts, including, but not limited to, the account numbers and current account balances; and
- e. the steps taken by each Defendant, or other person served to comply with **Section I**, above.

2) Plaintiff may serve interrogatories pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure as well as Local Civil Rule 33.3 of the Local Rules for the Southern and Eastern Districts of New York and Defendants who are served with this Order shall provide written responses under oath to such interrogatories within fourteen (14) days of service to Plaintiff's counsel.

3) Plaintiff may serve requests for the production of documents pursuant to Fed. R. Civ. P. 26 and 34, and Defendants who are served with this Order and the requests for the production

of documents shall produce all documents responsive to such requests within fourteen (14) days of service to Plaintiff's counsel.

B. IT IS FURTHER ORDERED, as sufficient cause has been shown, that within five (5) days of receipt of service of this Order the Financial Institutions shall identify any and all of Defendants' Financial Accounts, and provide Plaintiff's counsel with a summary report containing account details for any and all such accounts, which shall include, at a minimum, identifying information for Defendants, including contact information for Defendants (including, but not limited to, mailing addresses and e-mail addresses), account numbers and account balances for any and all of Defendants' Financial Accounts and confirmation of said compliance with this Order.

C. IT IS FURTHER ORDERED, as sufficient cause has been shown, that within five (5) days of receipt of service of this Order, the Third Party Service Providers shall identify any and all of Defendants' User Accounts and Merchant Storefronts, and provide Plaintiff's counsel with a summary report containing account details for any and all User Accounts and Merchant Storefronts, which shall include, at a minimum, identifying information for Defendants and Defendants' User Accounts and Defendants' Merchant Storefronts, contact information for Defendants (including, but not limited to, mailing addresses and e-mail addresses) and confirmation of said compliance with this Order.

D. IT IS FURTHER ORDERED, as sufficient cause has been shown, that:

- 1) Within fourteen (14) days of receiving actual notice of this Order, all Financial Institutions who are served with this Order shall provide Plaintiff's counsel all documents and records in their possession, custody or control (whether located in the U.S. or abroad) relating to any and all of Defendants' Financial Accounts, including, but not limited to, documents and records relating to:

- a. account numbers;

- b. current account balances;
- c. any and all identifying information for Defendants, Defendants' User Accounts and Defendants' Merchant Storefronts, including, but not limited to, names, addresses and contact information;
- d. any and all account opening documents and records, including, but not limited to, account applications, signature cards, identification documents and if a business entity, any and all business documents provided for the opening of each and every of Defendants' Financial Accounts;
- e. any and all deposits and withdrawals during the previous year from each and every one of Defendants' Financial Accounts and any and all supporting documentation, including, but not limited to, deposit slips, withdrawal slips, cancelled checks and account statements; and
- f. any and all wire transfers into each and every one of Defendants' Financial Accounts during the previous year, including, but not limited to, documents sufficient to show the identity of the destination of the transferred funds, the identity of the beneficiary's bank and the beneficiary's account number.

E. IT IS FURTHER ORDERED, as sufficient cause has been shown, that:

- 1) Within fourteen (14) days of receipt of service of this Order, the Third Party Service Providers shall provide to Plaintiff's counsel all documents and records in its possession, custody or control (whether located in the U.S. or abroad) relating to Defendants' User Accounts and Defendants' Merchant Storefronts, including, but not limited to, documents and records relating to:
 - a. any and all User Accounts and Defendants' Merchant Storefronts and account details, including, without limitation, identifying information and account numbers for any and all User Accounts and Defendants' Merchant Storefronts that

Defendants have ever had and/or currently maintain with the Third Party Service Providers that were not previously provided pursuant to Paragraph V(C);

- b. the identities, location and contact information, including any and all e-mail addresses of Defendants that were not previously provided pursuant to Paragraph V(C);
- c. the nature of Defendants' businesses and operations, methods of payment, methods for accepting payment and any and all financial information, including, but not limited to, information associated with Defendants' User Accounts and Defendants' Merchant Storefronts, a full accounting of Defendants' sales history and listing history under such accounts and Defendants' Financial Accounts with any and all Financial Institutions associated with Defendants' User Accounts and Defendants' Merchant Storefronts; and
- d. Defendants' manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale and/or selling of Counterfeit Products, or any other products bearing the Off-White Marks and/or marks that are confusingly similar to, identical to and constitute an infringement of the Off-White Marks.

VI. Security Bond

- A. IT IS FURTHER ORDERED that Plaintiff shall place security in the amount of one hundred thousand Dollars (\$100,000) with the Court which amount is determined adequate for the payment of any damages any person may be entitled to recover as a result of an improper or wrongful restraint ordered hereunder.

VII. Sealing Order

- A. IT IS FURTHER ORDERED that Plaintiff's Complaint and exhibits attached thereto, and Plaintiff's *ex parte* Application and the Declarations Virgil Abloh and Danielle S. Yamali in

support thereof and exhibits attached thereto and this Order, as well as the Court's Order dated September 29, 2020, scheduling a hearing for that date and the transcript, if any, of the hearing on Plaintiff's application for this Temporary Restraining Order, shall remain sealed until the earlier of (1) October 9, 2020, and (2) the date upon which all of the Financial Institutions and Third Party Service Providers have complied with **Paragraphs I(B)-(C), III(A) and V(C)** of this Order. Plaintiff shall immediately notify the Court when the Financial Institutions and Third Party Service Providers are in compliance and the materials may be unsealed.

SO ORDERED.

SIGNED this 29th day of September, 2020, at 9:40 p.m.

/s/ Laura Taylor Swain
HON. LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

SCHEDULE A

No.	Defendant	Infringing Listing	Merchant Storefront
1	anogar-32	https://www.ebay.com/itm/OFF-WHITE-Arrows-Mona-Lisa-Phone-Case-iPhone-7-8-plus-X-XR-XS-MAX-11-pro/764575292050	https://www.ebay.com/usr/anogar-32
2	anyu40	https://www.ebay.com/itm/2020-Off-White-Tape-Arrows-Cotton-T-Shirt/193620334074	https://www.ebay.com/usr/anyu40
3	bisc phone accessories	https://www.ebay.com/itm/Off-White-Inspired-Custom-Designed-Phone-Cases-Silicone-Cases-All-iPhone-Models/333658312332	https://www.ebay.com/usr/bisc_phone_accessories
4	bintanharj_0	https://www.ebay.com/itm/Hot-2020Off-White-X-Cross-Logo-Gildan-T-Shirt/283843381696	https://www.ebay.com/usr/bintanharj_0
5	bortolo_domingo	https://www.ebay.com/itm/Off-White-Case-For-iPhone-11-Pro-Max-XS-XR-7-8-Plus-SE2-Soft-TPU-Fitted-Cover/392915183719	https://www.ebay.com/usr/bortolo_domingo
6	broshopping	https://www.ebay.com/itm/NEW-Off-White-CO-Virgil-Abloh-Unisex-Hip-Pop-Mens-T-Shirt-Tee-Tops-Fashion/153984781798	https://www.ebay.com/usr/broshopping
7	budiawasali_0	https://www.ebay.com/itm/Off-White-Summer-1863-Impressionism-Print-Tee/273170970047	https://www.ebay.com/usr/budiawasali_0
8	chuangzhou-store	https://www.ebay.com/itm/Off-White-Men-Women-Hoodies-Skateboard-Hip-Hop-Hoodie-Sweater-Sweatshirts-US/224124990243	https://www.ebay.com/usr/chuangzhou-store
9	danyang6	https://www.ebay.com/itm/2020-Fashion-OFF-WHITE-Maist-Nylon-Cotton-Industrial-Belt/313086318778	https://www.ebay.com/usr/danyang6
10	dengdaobin1857	https://www.ebay.com/itm/Hot-Off-White-CO-Virgil-Abloh-Unisex-Hip-Pop-Mens-T-Shirt-Tee-Tops-Fashion/3928852651	https://www.ebay.com/usr/dengdaobin1857
11	dimaaray08_83	https://www.ebay.com/itm/New-2020-Tape-Off-White-Arrows-Cotton-Gildan-T-Shirt/164328740638	https://www.ebay.com/usr/dimaaray08_83
12	evita askela	https://www.ebay.com/itm/Off-White-Arrows-Mona-Lisa-Phone-Case-iPhone-11-Pro-Max-XS-XR-7-8-Plus-SE2/40236745926	https://www.ebay.com/usr/evita askela
13	fange06302	https://www.ebay.com/itm/Hot-New-OFF-WHITE-Joint-name-football-clothes-Fashion-short-sleeve-OW-T-shirt/193506916221	https://www.ebay.com/usr/fange06302
14	funthink	https://www.ebay.com/itm/Cover-With-Lanyard-Silicone-Earphone-Case-For-Apple-AirPods-5-Color-Off-White/283691325187	https://www.ebay.com/usr/funthink
15	giftsfromporto	https://www.ebay.com/itm/NEW-2020-Off-White-Arrows-Phone-Case-Cover-For-iPhone-11-Pro-Max-XS-XS-01/401920058697	https://www.ebay.com/usr/giftsfromporto
16	hasber-13	https://www.ebay.com/itm/NIKE-LOGO-Boy-Fashion-AIR-OFF-WHITE-Soft-Phone-Case-Cover-For-iPhone-11-pro-max/274407542617	https://www.ebay.com/usr/hasber-13
17	henryluckmorgan	https://www.ebay.com/itm/Off-White-Black-shirt-Brand-Cotton-Short-Sleeve-Sweatshirt-Funny-Cool/174313406258	https://www.ebay.com/usr/henryluckmorgan
18	huojin4	https://www.ebay.com/itm/Off-White-belt-Industrial-Yellow-Virgil-Tie-Down-Abloh-Iron-Nylon-200cm/392891181455	https://www.ebay.com/usr/huojin4
19	ilsood7	https://www.ebay.com/itm/Air-Pod-Trendy-Transparent-case-Off-White-Hype-Luxury-Silicon-wireless-bluetooth/383462843540	https://www.ebay.com/usr/ilsood7
20	itapar_51	https://www.ebay.com/itm/Hand-Made-Air-Jordan-1-3D-Mini-Sneaker-Shoe-Necklace-With-Box-Perfect-gift/273737559895	https://www.ebay.com/usr/itapar_51
21	jancie-87	https://www.ebay.com/itm/Off-White-Black-shirt-Brand-Cotton-Short-Sleeve-Sweatshirt-Funny-Cool/174313406258	https://www.ebay.com/usr/jancie-87
22	jaset-3745	https://www.ebay.com/itm/iPhone-6S-7-8-X-10-11-Black-For-Off-White-Soft-Phone-Case-Cover-2020-Hot/233642837996	https://www.ebay.com/usr/jaset-3745
23	jconelita19851	https://www.ebay.com/itm/Off-White-Arrows-Mona-Lisa-Phone-Case-Cover-iPhone-6-7-8-plus-X-XR-XS-MAX-11-pro/293029868123	https://www.ebay.com/usr/jconelita19851
24	keanu_1	https://www.ebay.com/itm/Rare-2020Off-White-Glitch-Short-Sleeve-Gildan-T-Shirt/392905928487var=661813723429	https://www.ebay.com/usr/keanu_1
25	kelai-11	https://www.ebay.com/itm/NEW/Transparent-Off-White-Nike-Acrylic-Case-For-AirPods-1-2/402305287370	https://www.ebay.com/usr/kelai-11
26	laujohn_16	https://www.ebay.com/itm/Off-White-Virgil-Abloh-Industrial-Key-Chain-Lanyard/313160453050	https://www.ebay.com/usr/laujohn_16
27	lightymight	https://www.ebay.com/itm/Off-White-Hype-Luxury-Inspired-AirPods-Pro-Case-Headset-Monalisa-Clear-Cover/392815957491	https://www.ebay.com/usr/lightymight
28	liza-marchetti	https://www.ebay.com/itm/Off-White-Fashion-Retro-Stripes-Phone-Case-Cover-For-iPhone-11-Pro-Max-X-7-8-SE2/313196402336	https://www.ebay.com/usr/liza-marchetti
29	millie-665	https://www.ebay.com/itm/Air-Force-1-Low-X-OFF-WHITE-Cone-Black/313182711495	https://www.ebay.com/usr/millie-665
30	niaili_malik	https://www.ebay.com/itm/Off-White-Phone-Case-Covers-For-iphone-messages-for-size/333697567274	https://www.ebay.com/usr/niaili_malik
31	pr-marketing305	https://www.ebay.com/itm/Off-White-Industrial-Belt-Key-Ring-Keychain-Ribbon-Strap-Lanyard-Virgil-For-Bag/362889427298	https://www.ebay.com/usr/pr-marketing305
32	rusan7376	https://www.ebay.com/itm/Off-White-Industrial-Keychain-Lanyard/363062277128	https://www.ebay.com/usr/rusan7376
33	sg8450048-3	https://www.ebay.com/itm/2020-sale-New-Sale-Off-White-Parody-Virgil-Abloh-t-shirt-gildan-men-tee-5-2XL/153997490041	https://www.ebay.com/usr/sg8450048-3
34	spencer1870	https://www.ebay.com/itm/Off-White-CO-Virgil-Abloh-Industrial-Belt-Yellow-Black-Option-Original/274473859566	https://www.ebay.com/usr/spencer1870
35	styleyourlife1	https://www.ebay.com/itm/1955-Off-White-Fireworks-Arrow-Couple-Black-White-streetwear-Fashion-Hoodie/224048770418	https://www.ebay.com/usr/styleyourlife1
36	sumak-75	https://www.ebay.com/itm/New-off-white-virgil-abloh-flamed-bart-simpson-gildan-hoodie-usa-size-XS-2XL/18441777429	https://www.ebay.com/usr/sumak-75
37	tommym95118	https://www.ebay.com/itm/2020-Rare-OVERSIZED-For-Off-White-CO-Virgil-Warning-Print-Gotha-GOD-T-shirt/254630091318	https://www.ebay.com/usr/tommym95118
38	topshopping-18	https://www.ebay.com/itm/Men-Sport-Trainers-Sneakers-Off-White-Logo-Casual-Running-Outdoor-shoes/184401568308	https://www.ebay.com/usr/topshopping-18
39	ty-2324	https://www.ebay.com/itm/Off-White-Jordan-1-UNC-3D-Keychain/353153925854	https://www.ebay.com/usr/ty-2324
40	vach_96	https://www.ebay.com/itm/HOT-RARE-Off-White-Virgil-Abloh-X-Takashi-Murakami-Future-History-T-SHIRT/233216612305	https://www.ebay.com/usr/vach_96
41	xel88436	https://www.ebay.com/itm/Hot-Off-White-CO-Virgil-Abloh-Unisex-Hip-Pop-Mens-T-Shirt-Tee-Tops-Fashion/174373643380	https://www.ebay.com/usr/xel88436
42	xinchengxiongdi0727	https://www.ebay.com/itm/Off-White-tide-brand-fashion-trousers-colored-small-arrow-terry-trousers-ants/313185998871	https://www.ebay.com/usr/xinchengxiongdi0727
43	yauner88	https://www.ebay.com/itm/Off-White-Hype-Luxury-Inspired-AirPods-1-2-Pro-Case-Headset-Nike-85-Clear/264451232211	https://www.ebay.com/usr/yauner88
44	zda63802	https://www.ebay.com/itm/NEW-Off-White-CO-Virgil-Abloh-Unisex-Hip-Pop-Mens-T-Shirt-Tee-Tops-Fashion/233668116229	https://www.ebay.com/usr/zda63802
45	zhangyong1991	https://www.ebay.com/itm/NEW-Off-White-CO-Virgil-Abloh-Unisex-Hip-Pop-Mens-T-Shirt-Tee-Tops-Fashion/313168361319	https://www.ebay.com/usr/zhangyong1991